

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

BID FOR POSITION, LLC,

Plaintiff,

v.

**AOL, LLC, GOOGLE, INC.,
MICROSOFT CORP., and MIVA, INC.,**

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

Jury Trial Demanded

**REPLY OF BID FOR POSITION, LLC
TO COUNTERCLAIMS OF AOL, LLC**

Plaintiff Bid for Position, LLC (“Bid For”) hereby answers the counterclaims of Defendant AOL, LLC (“AOL”). The paragraphs in this reply are numbered to correspond to the paragraph numbers in AOL’s counterclaims. All of the allegations of the counterclaims not specifically admitted herein are specifically denied.

COUNTERCLAIMS

1. With respect to AOL’s incorporation of paragraphs 1 through 21 of its answer, paragraphs 1 through 21 of AOL’s answer do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of AOL’s answer contain any allegations, Bid For denies those allegations. With respect to AOL’s incorporation of paragraphs 22 through 28 of its defenses, Bid For denies the allegations contained in paragraphs 22 through 28 of AOL’s defenses. With respect to AOL’s incorporation of paragraph 29 of its answer and defenses, paragraph 29 does not exist, so no response appears necessary.

2. Bid For admits the allegations contained in paragraph 2 of AOL’s counterclaims.

3. Bid For admits the allegations contained in paragraph 3 of AOL's counterclaims.
4. Bid For admits the allegations contained in paragraph 4 of AOL's counterclaims.
5. Bid For admits the allegations contained in paragraph 5 of AOL's counterclaims.
6. Bid For admits the allegations contained in paragraph 6 of AOL's counterclaims.
7. Bid For denies the allegations contained in paragraph 7 of AOL's counterclaims,

except to the extent that it admits that venue is proper.

First Counterclaim: Declaratory Judgment of Non-Infringement

8. Bid For repeats and incorporates by reference its responses to the facts and allegations in paragraphs 1 through 7 of its reply to AOL's counterclaims as if fully set forth herein. With respect to AOL's incorporation of paragraphs 1 through 21 of its answer, paragraphs 1 through 21 of AOL's answer do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of AOL's answer contain any allegations, Bid For denies those allegations. With respect to AOL's incorporation of paragraphs 22 through 28 of its defenses, Bid For denies the allegations contained in paragraphs 22 through 28 of AOL's defenses. With respect to AOL's incorporation of paragraph 29 of its answer and defenses, paragraph 29 does not exist, so no response appears necessary.

9. Bid For denies the allegations contained in paragraph 9 of AOL's counterclaims.

Second Counterclaim: Declaratory Judgment of Invalidity

10. Bid For repeats and incorporates by reference its responses to the facts and allegations in paragraphs 1 through 9 of its reply to AOL's counterclaims as if fully set forth herein. With respect to AOL's incorporation of paragraphs 1 through 21 of its answer, paragraphs 1 through 21 of AOL's answer do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of AOL's answer

contain any allegations, Bid For denies those allegations. With respect to AOL's incorporation of paragraphs 22 through 28 of its defenses, Bid For denies the allegations contained in paragraphs 22 through 28 of AOL's defenses. With respect to AOL's incorporation of paragraph 29 of its answer and defenses, paragraph 29 does not exist, so no response appears necessary.

11. Bid For denies the allegations contained in paragraph 11 of AOL's counterclaims.

REQUEST FOR RELIEF

Plaintiff and Counterclaim Defendant Bid For denies that AOL is entitled to the relief it seeks or any relief for the allegations made in its Answer or Counterclaims. Plaintiff and Counterclaim Defendant Bid For requests that judgment be entered in its favor on all issues and it be awarded the appropriate damages, exceptional damages, costs, and attorneys' fees.

DEMAND FOR JURY TRIAL

Bid For demands trial by jury of all issues so triable.

Dated: January 27, 2008

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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